May 9, 2011

The Honorable Fred Upton,
Chairman
Committee on Energy and Commerce
U.S. House of Representatives
2125 Rayburn House Office Building
Washington, DC 20515-6115

Dear Chairman Upton,

I am writing in response to your letter of April 25, 2011 in which you requested information about Research In Motion's ("RIM") smartphones following recent press reports about the use of location data in certain other mobile wireless devices. RIM thanks you for the opportunity to provide information about the handling of location data on BlackBerry® smartphones, including the controls available to users over location-related information.

In today's mobile marketplace, consumers increasingly wish to use their smartphones to access information and services that are geographically relevant to them. The mobile application market is expanding rapidly, and consumers may now choose from a broad range of applications that frequently use location-based information (such as maps, restaurant locators and traffic information). BlackBerry smartphones are designed to meet this strong consumer demand for location-based solutions while also seeking to respect users' privacy and to maintain the security of their personal information. As described in more detail below, this includes important elements of user control and notice with respect to the use of location-related applications.

Use of Applications Requesting Location-Based Information

A growing range of smartphone applications now rely on location-related information to assist users with tasks, such as finding a nearby restaurant or checking local traffic conditions. Following receipt of authorization from the user, the BlackBerry smartphone can make location-related information available to the application in the form of the approximate latitude and longitude of the device.

The smartphone has two options for calculating its approximate location. The first is to use Global Positioning System ("GPS") readings. GPS signals can provide very accurate location information, however, GPS is also resource intensive (impacting battery life of the smartphone), it is not always available (particularly indoors and in urban areas), and acquiring accurate GPS signals from satellites can often take time.

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A second option, which can enhance the user experience by avoiding the three GPS disadvantages listed above, is for the smartphone to use terrestrial location information estimated from nearby cellular phone towers and Wi-Fi access points detected within the smartphone's range. Using the unique identifiers broadcast by these transceivers as well as their relative signal strengths, the smartphone can attempt to calculate its location by querying RIM's geolocation database and/or a limited cache of cell tower and Wi-Fi access point information that may already be temporarily stored on the smartphone.

RIM's geolocation database is built using a collection of GPS, cell tower and Wi-Fi access point information that is regularly collected, transmitted and deleted from BlackBerry smartphones that are using location-based services. This information is transmitted from the smartphones to RIM's geolocation database using HTTPs (a method to encrypt the transmission) and is deleted from the smartphones on a regular basis (typically daily unless the device is out of coverage in which case it may be up to three days). The RIM geolocation database does not contain any information in a form that personally identifies a user and third parties are unable to access RIM's geolocation database. Furthermore, as explained below, users have the ability to turn off the anonymous submission of data to the geolocation database should they choose.

For those BlackBerry smartphones that are using location-based services, the limited cache of cell tower and Wi-Fi access point information (referenced above) is maintained in the smartphone's flash memory for up to 30 days, after which time it is deleted. The cache of information is not maintained on the smartphone in a format that is readable by third-party applications and the reason this cache is temporarily maintained on the smartphone is to enhance the user experience by more rapidly and efficiently satisfying certain future location requests from the user's on-device applications by initially querying this cache.

Providing BlackBerry Smartphone Users with Control and Notice

BlackBerry smartphone users have four options if they do not want their smartphone to send or receive location-based information. First, they can choose not to activate applications that make use of location-based information. GPS, cell tower and Wi-Fi access point information is only obtained when a location-based application is running and requests a location. Second, the user can choose to turn on or off the location feature for any specific third party application. Third, the user can turn off the location feature globally in their smartphone. Fourth, the user can turn off the submission of the GPS, cell tower and Wi-Fi access point information, which in any event would only be stored anonymously by RIM. In addition to these user-specific controls, enterprises using the BlackBerry Enterprise Server ("BES") software can do the same for BlackBerry smartphones activated on their BES. Before third party applications can use location-based information, BlackBerry smartphone users are also provided with notice, and their consent is required before the application can access location information.

The BlackBerry Solution License Agreement, which is presented to and accepted by (or, in the case of a corporation, on behalf of) all BlackBerry smartphone users, advises users that when the BlackBerry smartphone enables location-based functionality, location information may be communicated to RIM and this information may be used to provide location-based services. Additionally, to allow the user control over exactly which third-party applications use location information, BlackBerry smartphones present a prompt when newly installed third-party applications first attempt to access information through the geolocation solution. RIM's BlackBerry Software Developers Kit ("SDK") License Agreement also imposes restrictions on third party application developers, requiring them to provide notice and seek user consent prior to the collection, transmission, display, use or disclosure of location-based information. These restrictions also prohibit any use of this information that would be considered illegal in the jurisdiction where the application is distributed (including any breaches of privacy). In addition, RIM requires third party applications that have access to location-based information to protect the confidentiality of the information via encryption or similar means.

All of these control and notice features help to protect BlackBerry smartphone users' privacy and to maintain the security of their personal information.

Section 222

With respect to your question about the privacy provisions in section 222, RIM is not a telecommunications carrier and is not subject to Section 222 of the *Communications Act*. Nevertheless, RIM places a high priority on protecting the privacy of its customers, and on providing its customers with easy-to-use tools to protect their privacy.

Conclusion

The geolocation solution provided on BlackBerry smartphones is designed to support the location-based application services that are in increasingly high demand by smartphone users. Applications that use geolocation information can provide significant value to users and help users to perform tasks more efficiently and effectively in their personal and professional lives. While providing users with this desired functionality, RIM takes numerous steps to help protect user privacy including: (a) maintaining any location-related information that is temporarily kept on the BlackBerry smartphone in a form that is not accessible to third parties; (b) transmitting location-related information to the RIM geolocation database using HTTPs, a method to encrypt and secure transmissions; and (c) storing information in RIM's geolocation database in a form that does not personally identify a user. Users are provided with prior notice and are empowered to avoid the collection of this location information by being able to turn off geolocation features and/or refrain from using location-based applications. RIM takes its commitment to privacy and security very seriously and we thank you for the opportunity to comment and provide information about these important issues relating to location-based information. We would be pleased to provide any further information or explanation you may require.

Sincerely,
RESEARCH IN MOTION LIMITED
Per:

Clint Robinson, Vice President Government Relations

Cc:

Henry Waxman, Ranking Member
House Energy and Commerce Committee